



TOWN OF NEW WINDSOR

ZONING BOARD OF APPEALS

Regular Session

Date: JANUARY 14, 2008

REORGANIZATION MEETING

AGENDA

7:30 p.m. - Roll Call

PRELIMINARY MEETINGS:

1. SEYMOUR BORDEN (Carpet Mill Outlet) (08-02) Request for:

SIGN

9.4 ft. Height
20 ft. Width
1 - additional wall sign

All at 294 Windsor Highway in a C Zone (35-1-54.12)

2. IMPEL ASSOCIATES LLC. (for Minuteman Mall) Request for 6 inch Height Variance for proposed wall sign at 179 Temple Hill Road in a C Zone (68-2-9.2)

PUBLIC HEARINGS:

3. KATHLEEN FINNERAN (07-58) Request for 15 ft. rear yard setback for proposed 14' X 26' deck at 446 Philo Street in an R-4 Zone (73-4-2)
4. DOMINICK NISI (07-59) Request for 17.2 ft. Side Yard Setback for proposed attached 12ft. X 12 ft. side deck at 725 Mt. Airy Road in an R-3 Zone (66-1-11)

FORMAL DECISIONS:

SCHIAROLI (07-22)
STANFORD (07-41)
COOPER (07-40)
FERRY (07-17)
INGENITO (07-29)
LOWE (07-33)

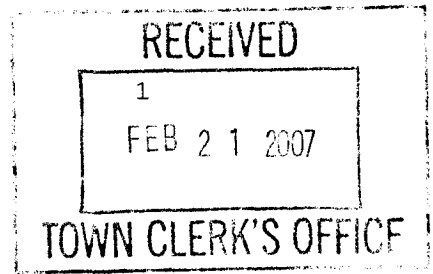
McLOUGHLIN (07-38)
PISACRETA (07-36)
DESMOND (07-44)
LUCAS (07-28)
BERLINGIERI (07-35)
TOWER MGMT (07-34)

WALTERS (07-24)
MAZZA (07-37)
GAYTON (07-32)
N. PLANK (07-25)
PETROLI (07-39)

CAPPA (07-23)
WAL-MART (07-19)
SCHIAROLI (07-22)
BLOOM (07-27)
BEDETTI (07-31)

(NEXT MEETING - JANUARY 28, 2008)

January 14, 2008



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

JANUARY 14, 2008

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
KIMBERLY VOLPE
KATHLEEN LOCEY
FRANCIS BEDETTI, JR.
PAT TORPEY

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

REGULAR_MEETING

MR. KANE: I'd like to call the January 14, 2008
meeting to order.

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PRELIMINARY_MEETINGS:

SEYMOUR_BORDEN_(CARPET_MILL_OUTLET)_(08-02)

MR. KANE: No one's here, we'll put that one on hold.

IMPEL_ASSOCIATES_LLC_(08-03)

MR. KANE: Impel Associates. Request for 6 inch height variance for proposed wall sign at 179 Temple Hill Road.

Mr. Said Rouchdy appeared before the board for this proposal.

MR. KANE: Sir, what we do in the Town of New Windsor is that we hold a preliminary meeting so that you can get a good idea of what we need to make a decision and we know what you want to do. Some other towns they do it cold and if you don't have everything and you walk in and you lose, you lose. So tell us exactly what you want to do, sir. So you want to, you just need a six inch height and it's 36 inches?

MR. ROUCHDY: Yeah, it's 36 here, 30, 36 from here.

MR. KANE: Right. Mike, when we do a sign, we square it out?

MR. BABCOCK: Yes, that's correct.

MR. KANE: Is the sign going to be illuminated in any way?

MR. ROUCHDY: Yeah, with the lights.

MR. KANE: Internal illumination?

MR. ROUCHDY: Yes.

MR. KANE: Nothing flashing?

MR. ROUCHDY: No.

MR. KANE: How far off the street is the sign going to be approximately?

MR. ROUCHDY: It's 120, 10 feet.

MR. KANE: How far away from the road?

MR. ROUCHDY: Because there's more--

MR. TORPEY: Probably about 75 feet.

MR. KANE: What I'm saying is how far off the road?
The building is here and your sign is here,
approximately how far from the road is it?

MR. ROUCHDY: About 30 feet.

MR. BABCOCK: It's across the parking lot, there's
parking lot, there's a parking lot against the building
which is 20, the driving lanes take, there's another
parking spot out which is 20, so you've got 65 feet
there and at least a 20 foot median so you've got 85
feet to the main road.

MR. KANE: So 85 feet to the main road?

MR. ROUCHDY: Yes.

MR. KANE: That's what we'll need to know. And the
illumination of the lights you don't feel it will
interfere with the vision of traffic, anybody driving
along the road?

MR. ROUCHDY: No, no.

MR. KANE: And the question has to be asked why can't
it be cut down six inches?

MR. ROUCHDY: The six inches because the thing is
already fixed with the company.

MR. KANE: It's a standard company sign?

MR. ROUCHDY: Yes.

MR. KANE: That would be your answer for that question. And six inches I don't think is abnormally large over the limit. Any further questions from the board?

MR. BEDETTI: It's going to be mounted on the building, it's not a freestanding sign, it's mounted on the building?

MR. ROUCHDY: No.

MR. BABCOCK: Yeah, there's an opening on the building for it right now, there was a sign there prior to this restaurant, maybe Restaurant Supplies, you could see the opening in the siding.

MRS. VOLPE: You're saying this sign is already up?

MR. ROUCHDY: Yeah, the place is empty now.

MR. KANE: Do you know if it doesn't pass that they can--

MR. BABCOCK: I don't think they put it up, Mr. Chairman, the one that was there for the existing business has been taken down, this sign is not up yet. Right?

MR. ROUCHDY: No, not yet.

MR. KANE: Okay, so is this the sign that's currently on the building right there?

MR. ROUCHDY: I took it out and the place is empty now.

MR. KANE: Okay.

MS. LOCEY: Could we see those?

MR. KANE: Absolutely. But that sign isn't currently there, it was taken down.

MS. LOCEY: This one came down they said.

MR. KANE: Correct.

MS. LOCEY: This is the new one.

MR. KANE: Correct.

MS. LOCEY: Why did you take the old one down?

MR. BABCOCK: This is a new tenant.

MS. LOCEY: But it's superimposed on this, it says what this says.

MR. BABCOCK: That's correct.

MS. LOCEY: So that's just a computer.

MR. BABCOCK: That's right, but the sign is not physically there, just an opening in the wall.

MS. MASON: In the pictures it reads that it is, that's why they're questioning.

MR. KANE: Too good of a job of photo shop.

MR. ROUCHDY: You need 10 foot by 24, this is from 206 when they fix it they send me an image, tell me no, this is legal and the new one is 207.

MR. KANE: Okay, any further questions? I'll accept a motion.

MR. BEDETTI: I will make a motion that we schedule a public hearing for Impel Associates for a variance as

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requested.

MR. TORPEY: I'll second that.

ROLL CALL

MRS. VOLPE	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: Okay, in the public hearing just follow what's on the sheet right there and it will be very similar to what's going on here except the public will be invited for comments at that point.

MR. ROUCHDY: Thank you very much.

PUBLIC_HEARINGS:

KATHLEEN_FINNERAN_(07-58)

MR. KANE: Request for 15 foot rear yard setback for proposed 14' x 26' deck at 446 Philo Street.

Ms. Kathleen Finneran appeared before the board for this proposal.

MR. KANE: May I ask if there's anybody here for this particular hearing? Okay, let the record show that there's nobody in the audience for the public portion of the hearing. Okay, Kathleen, like the preliminary, you tell us exactly what you want to do.

MS. FINNERAN: A deck for recreation out the back kitchen door upper level.

MR. KANE: Removing any trees or substantial vegetation in the building of the deck?

MS. FINNERAN: No.

MR. KANE: Creating any water hazards or runoffs?

MS. FINNERAN: Not that I know of.

MR. KANE: Any easements running in the area where you want to put the deck?

MS. FINNERAN: Not that I know of.

MR. KANE: The deck to be built is 14 feet out from the house and 26 feet long?

MS. FINNERAN: Right.

MR. KANE: And you consider that similar in size and nature to other decks in your neighborhood?

MS. FINNERAN: Yes.

MR. KANE: Obviously, without a deck it would be a safety feature opening the doors?

MS. FINNERAN: That's the new door.

MR. KANE: But still without a deck there or somebody there would be a safety hazard?

MS. FINNERAN: Yes.

MR. KANE: At this point, I will open and close the public portion of the meeting, seeing as there's nobody here, and ask Myra how many mailings.

MS. MASON: On the 26th of December, I mailed out 78 envelopes and got no response.

MR. KANE: Okay, and I will ask the board if they have any questions.

MR. BABCOCK: Just so everybody knows, the current zoning is 50 feet. When this house was built, it was 40 feet, so it makes the variance 15 feet instead of five feet. If she would have come in prior to the zoning change she would have needed a five foot variance, her lot's only 100 feet deep, so fairly small lot.

MR. KANE: Right, and the house has to be a good 28 looking at it from here.

MR. BABCOCK: That's correct.

MR. KANE: Any other questions from the board? None, I'll accept a motion.

MRS. VOLPE: I will offer a motion that we grant

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Kathleen Finneran's request for 15 foot rear yard setback for proposed 14 x 26 deck at 446 Philo Street.

MR. TORPEY: I'll second that.

ROLL CALL

MRS. VOLPE	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

DOMINICK_NISI_(07-59)

MR. KANE: Request for 17.2 foot side yard setback for proposed attached 12 ft. x 12 ft. side deck at 725 Mt. Airy Road.

Mr. Dominick Nisi appeared before the board for this proposal.

MR. KANE: I will ask at this point if there's anybody in the audience? Let the record show there's absolutely nobody here. And same as preliminary, tell us exactly what you want to do, speak loud enough for this young lady to hear you.

MR. NISI: It's an open construction deck.

MRS. VOLPE: Just say your name.

MR. NISI: Dominick Nisi, N-I-S-I. It's a simple open deck construction made of treated lumber about 3 feet up from finished grade attached to the house kitchen 12 by 12 and we would be about 22.8 feet from the southerly property line. So the variance would be 17.2 from the 40 foot minimum requirement, all in compliance with the code.

MR. KANE: Cutting down any trees or substantial vegetation in the building of the deck?

MR. NISI: No.

MR. KANE: Creating any water hazards or runoffs?

MR. NISI: No.

MR. KANE: Any easements running through where you want to put the deck?

MR. NISI: No.

MR. KANE: The size of the deck is 12 foot by 12 foot, do you consider that a normal size for your neighborhood?

MR. NISI: Yes, probably smaller than the average.

MR. KANE: Okay, at this point, I will open and close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On December 26, I mailed out 12 addressed envelopes and had no response.

MR. KANE: Currently you're showing a couple of steps coming from the deck, would you consider it to be a more safe egress from your home with the deck there?

MR. NISI: Sure.

MR. KANE: Any further questions from the board? I'll accept a motion.

MS. LOCEY: I will offer a motion to grant the requested variances on the application of Dominick Nisi as detailed in the Zoning Board of Appeals agenda dated January 14, 2008.

MRS. VOLPE: Second the motion.

ROLL CALL

MRS. VOLPE	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

FORMAL_DECISIONS:

SCHIAROLI	MCLOUGHLIN	WALTERS	WAL-MART
STANFORD	PISACRETA	MAZZA	SCHIAROLI
COOPER	DESMOND	GAYTON	BLOOM
FERRY	LUCAS	N. PLANK	BEDETTI
INGENITO	BERLINGIERI	PETROLLI	
LOWE	TOWER MANAGEMENT	CAPPA	

MR. KANE: Formal decisions, we can take them under one vote if you want to so please motion it that way. I'll accept a motion for it.

MS. LOCEY: I will offer a motion to accept the formal decisions as detailed on the Zoning Board of Appeals agenda dated January 14, 2008.

MR. TORPEY: I'll second it.

ROLL CALL

MRS. VOLPE	AYE
MR. BEDETTI	ABSTAIN
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

REORGANIZATION_MEETING

MR. KANE: Basically we do this each year, elect a chairman and co-chairman, take nominations for chairman or co-chairman.

MS. LOCEY: I will make a motion to nominate Michael Kane as chairman and Kim Volpe as vice chairman for the year 2008.

MR. TORPEY: I'll second that motion.

MS. VOLPE: I was going to second, well, I'm going to second for chairman for Michael Kane but I was going to make that motion to have Kathleen Locey be co-chairman for the meeting.

MS. LOCEY: You can do it, my pleasure.

MRS. VOLPE: I've been doing it for two years.

MR. KANE: We have a nomination, any other nominations? We'll take a vote on it.

ROLL CALL

MRS. VOLPE	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: I move that we retain Andy as our legal counsel for the Town of New Windsor Zoning Board of Appeals.

MS. LOCEY: I'll second that motion.

ROLL CALL

MRS. VOLPE	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: And I nominate Fran to continue as stenographer for the Town of New Windsor Zoning Board.

MRS. VOLPE: Second the motion.

ROLL CALL

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MRS. VOLPE	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

MS. LOCEY: So moved.

MR. TORPEY: Second it.

ROLL CALL

MRS. VOLPE	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer